

August 8, 2022

VIA ECF

The Honorable Sarah L. Cave
United States District Court for the Southern District of New York
500 Pearl St.
New York, NY 10007

Catherine McKoy, et al. v. Trump Corp., et al., 1:18-cv-9936 (LGS-SLC)

Dear Judge Cave:

The parties submit this joint letter pursuant to the Court's July 25, 2022 Order, ECF No. 449, and further to the parties' joint letters dated July 29, 2022, ECF No. 451, and July 25, 2022, ECF No. 448.

The parties have worked cooperatively and expeditiously to schedule and take depositions over the past several weeks. In total, the parties have now taken 11 depositions, including three of the named Plaintiffs, one of the named Defendants, four of Defendants' current or former employees, and three non-parties. In addition, later this month, the parties have scheduled the depositions of two individual Defendants and four non-parties, including the depositions of ACN, Anne Archer Butcher, and two non-party Celebrity Apprentice contestants. Accordingly, the parties expect to have taken a total of 17 depositions by the current deadline for the close of fact discovery.

Plaintiffs also are pleased to report that we are generally coming in under the target number of deposition hours for the depositions so far. *See* ECF No. 432. The parties continue to confer concerning scheduling and allocation of hours for certain witnesses, as testimony is taken in the depositions taken to date. In addition, as the testimony and record evidence develops, the parties also reserve the right and expect to serve additional targeted non-party subpoenas for relatively short depositions within the applicable constraints with respect to total hours and deadlines.

As we have previously informed the Court, ECF No. 451, despite the parties' best efforts, we will be unable to complete all depositions by the end of August, due to a number of factors including limited witness availability during the summer months, the need to travel for certain depositions of witnesses located outside the geographic radius for trial subpoenas, as well as unexpected illnesses and/or family developments. The parties and various non-parties (and their counsel) continue to work cooperatively and productively with respect to all scheduling and logistics issues. Consequently, the parties respectfully request a one-month extension of fact discovery to complete their remaining depositions. As set forth below, and in the concurrently filed proposed Case Management Order, we expect that we will be able to make up some of the additional time spent on depositions by further tightening the expert discovery period and the briefing schedule for class certification, in order to remain on substantially the same track to trial.

	Current	Proposed
Completion of Fact Discovery	Aug. 31, 2022	Sept. 30, 2022
Completion of Expert Discovery	Jan. 24, 2023	Feb. 17, 2023
Plaintiffs' Class Certification Motion	Feb. 14, 2023	Mar. 3, 2023
Joint Letter pursuant to Individual Rule IV.A.2	Feb. 21, 2023	Mar. 10, 2023
Defendants' Opposition to Class Certification	Apr. 1, 2023	Apr. 18, 2023
Plaintiffs' Reply in Support of Motion for Class Certification	Apr. 28, 2023	May 15, 2023

In addition, the parties respectfully request that the Court also order the following interim expert discovery deadlines, *see* ECF No. 356:

	Proposed
Affirmative Expert Identification	Nov. 3, 2022
Affirmative Expert Reports	Nov. 18, 2022
Rebuttal Expert Identification	Jan. 1, 2022
Rebuttal Reports	Jan. 16, 2022
Close of Expert Depositions & Expert Discovery	Feb. 17, 2023

Finally, with respect to document discovery, Defendants expect to produce early this week exhibits to the Trump University deposition transcripts, pursuant to the parties' previously reported agreement, *see* ECF No. 448, as well as an additional deposition transcript. The parties will meet and confer after Plaintiffs review these productions. In addition, Plaintiffs have asked Defendants to confirm certain parameters of their collection and search efforts, based on deposition testimony from certain witnesses, and Defendants expect to report back early this week. Lastly, the parties continue to meet and confer regarding the scope of the Rule 30(b)(6) deposition of The Trump Organization.

Respectfully submitted,

/s/ Roberta A. Kaplan

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